

REMARKS

Applicants submit this Amendment in response to the Office Action mailed February 14, 2005.

By this Amendment, Applicants have cancelled claims 2 and 25, without prejudice or disclaimer, amended claims 1 and 24 to substantially include the subject matter of claims 2 and 25, respectively, amended claims 3, 13, 26, 27, and 36, and added new claims 47-92. The originally-filed specification, drawings, and claims fully support the subject matter of amended claims, 1, 3, 13, 24, 26, 27, and 36, and new claims 47-92. No new matter has been introduced.

Before entry of this Amendment, claims 1-46 were pending. After entry of this Amendment, claims 1, 3-24, and 26-92 are pending. Claims 1, 24, 47, 57, 67, and 77 are the sole independent claims.

On page 2 of the Office Action, the drawings were objected to because the reference numbers of Figs. 1-5 are handwritten. Applicants submit herewith five (5) drawing sheets marked REPLACEMENT SHEET including Figs. 1-5 that replace the handwritten reference numbers with formal reference numbers. No other changes have been made to the drawings. Accordingly, Applicants respectfully request withdrawal of the drawing objection.

On pages 2-5 of the Office Action, claims 1-46 were rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 4,920,953 to McGown ("McGown"). Applicants respectfully traverse this rejection.

McGown does not disclose the claimed invention, as-amended. For example, as-amended independent claim 1 recites an endoscope channel cap including, among

other aspects, “a third accommodating portion having a third configuration corresponding to an interface of a third endoscope for receiving the interface of the third endoscope, the first configuration and the second configuration being different than the third configuration.” In another example, as-amended independent claim 24 recites an endoscope channel cap including, among other aspects, “wherein the main body further defines a third space disposed inwardly from the outer surface of the main body, and wherein the main body includes a third flange at least partially defining the third space to aid in retaining an interface of a third endoscope.” McGown does not disclose these respective aspects either alone or in combination with the other respective aspects of claims 1 and 24.

In rejecting claims 2 and 25, page 3 of the Office Action asserts that plug portion 12 of McGown corresponds to the claimed third accommodating portion and the claimed third space of as-amended claim 24. No portion of plug portion 12, however, has a configuration that both corresponds to an interface of an endoscope and receives the interface of the endoscope. Similarly, no space of plug portion 12 is at least partially defined by a flange that aids in retaining an interface of an endoscope. Accordingly, for at least these reasons, Applicants assert that McGown does not disclose the subject matter of independent claims 1 and 24, and thus respectfully request withdrawal of the Section 102(b) rejection with respect to independent claims 1 and 24, and their respective dependent claims.

New independent claims 47 and 57 each recites an endoscope channel cap including, among other aspects, “at least two seals each configured to accommodate an endoscopic instrument therethrough;” “wherein the at least two seals are fixedly

positioned relative to each other.” In rejecting claims 16-17 and 39-40, page 4 of the Office Action asserts that opening 20 and slit 56 of McGown corresponds to the two seals. Even assuming *arguendo* that the Office Action is correct, McGown discloses that opening 20 is on main body 10, and that slit 56 is on plug portion 12. As set forth in McGown, main body 10 and plug portion 12, and hence opening 20 and slit 56, are moveable relative to each other, for example, by mating and then unmating male members 40 and 42 of main body 10 with female members 18 and 16 of plug portion 12. Accordingly, McGown does not disclose two seals fixedly positioned relative to each other as set forth in each of claims 47 and 57. For at least these reasons, independent claims 47 and 57, and their respective dependent claims, are not anticipated by McGown.

New independent claim 67 recites an endoscope channel cap including, among other aspects, “wherein the first accommodating portion is configured to receive the interface of the first endoscope from a side of the endoscope channel cap, and the second accommodating portion is configured to receive the interface of the second endoscope from the side of the endoscope channel cap.” Both accommodating portions therefore receive the respective endoscope interface from the same side of the cap. Similarly, new independent claim 77 recites an endoscope channel cap including, among other aspects, “wherein the first flange is configured to retain the interface of the first endoscope received from a side of the main body and the second flange is configured to retain the interface of the second endoscope received from the side of the main body.” As admitted on page 3 of the Office Action in the rejection of claims 4-9 and 27-32, “McGown discloses an endoscope cap wherein the first accommodating

portion is on a first side of the endoscope channel cap and the second accommodating portion is on a second side of the endoscope channel cap." This is the opposite of what is set forth in independent claims 67 and 77. Though, McGown does recite that "[t]hose skilled in the art may recognize alternatives to the placement of the two female openings in diametric opposition," McGown does not disclose the very configurations claimed in claims 67 or 77. For anticipation under 35 U.S.C. §102, the reference must disclose every aspect of the claimed invention. M.P.E.P. 706.02. Because McGown does not disclose the configuration of the accommodating portions or flanges of independent claims 67 and 77, for at least these reasons, independent claims 67 and 77, and their respective dependent claims, are not anticipated by McGown.

Applicants further submit that claims 3-23, 26-46, 48-56, 58-66, 68-76, and 78-92, depend from one of independent claims 1, 24, 47, 57, 67, and 77, and are therefore allowable for at least the same reasons that each of those respective independent claims is allowable. In addition, at least some of the dependent claims recite unique combinations that are not disclosed nor suggested by McGown, and therefore at least some also are separately patentable.

In view of the foregoing amendments and remarks, Applicants respectfully request reconsideration and reexamination of this application and the timely allowance of the pending claims.

The Office Action contains characterizations of the claims and the related art with which Applicants do not necessarily agree. Unless expressly noted otherwise, Applicants decline to subscribe to any statement or characterization in the Office Action.

In discussing the specification, drawings, claims in this Amendment, it is to be understood that Applicants are in no way intending to limit the scope of the claims to any exemplary embodiments described in the specification or abstract and/or shown in the drawings. Rather, Applicants are entitled to have the claims interpreted broadly, to the maximum extent permitted by statute, regulation, and applicable case law.

Please grant any extensions of time required to enter this Amendment and charge any additional required fees to our Deposit Account No. 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: May 13, 2005

By: 
Michael W. Kim
Reg. No. 51,880

REPLACEMENT DRAWINGS:

The attached sheets of drawings marked REPLACEMENT SHEET replace the handwritten reference numbers with formal reference numbers.

Attachments: Five (5) sheets of drawings marked REPLACEMENT SHEET including Figs. 1-5.